

# **APPENDIX D**

## **Proposed Protective Zoning By-Law Section 4: SPECIAL REGULATIONS**

### **Section 4.1 – Multi-Family Housing**

#### **4. SPECIAL REGULATIONS**

##### **4.1 Multi-Family Housing (Revised 11-01-05)**

In any district where multi-family housing is a permitted or special permitted use, it shall be subject to the following requirements, except that multi-family units in a Low Impact Development shall comply with the regulations in Section 4.2A of this Bylaw.

###### **4.1.1 Site Plan Review**

Multi-family housing is subject to Site Plan Review under Section 7 of this Bylaw.

###### **4.1.2 Maximum Density**

- a. Where conversion of an existing single-family dwelling to three multi-family units is a permitted use or a use allowed by special permit, the minimum lot area shall be at least 1.5 times that of the applicable minimum lot area for a single-family dwelling.
- b. For multi-family housing of four (4) units or more, the maximum density is as follows:

District	Maximum Density
R-3	20,000 sq. ft. for the first unit plus 10,000 sq. ft. for each additional dwelling unit, up to a maximum of 24 units
Village Business, Mixed-Use or Commercial District	20,000 sq. ft. for the first unit plus 10,000 sq. ft. for each additional dwelling unit, up to a maximum of 36 units

- c. More than one principal building may be permitted on a single lot by Special Permit from the Planning Board. No principal building may contain less than three (3) units nor more than six (6) units unless waived by the Planning Board.

###### **4.1.3 Affordable Housing Requirement**

- a. To qualify for a Special Permit for multi-family housing of four or more units, the applicant must include housing affordable to low- or moderate-income households as defined in this Bylaw, as follows: the seventh unit and every sixth unit thereafter shall be a low- or moderate-income housing unit. Nothing in this section shall preclude an applicant from providing more low- or moderate-income housing units than the minimum required by this Bylaw.
- b. All low- and moderate-income affordable units shall be subject to an affordable housing restriction pursuant to M.G.L. c.184.
- c. The Building Inspector shall not issue an occupancy permit to the applicant without receipt of evidence that the use restriction approved by the Planning Board prior to the issuance of a Special Permit has been recorded at the Registry of Deeds.

###### **4.1.4 Minimum Design Standards**

- a. A multi-family building shall contain no less than three and no more than six units unless waived by the Planning Board, and shall not exceed a building height of 35 feet and two and one half stories.
- b. Multi-family housing shall avoid monotonous, look-alike designs and promote high standards of exterior quality and appearance.
- c. Applicants shall comply with Section 5, Parking and Loading, for number of off-street parking spaces per unit. At least one space shall be located so as to provide convenient access to its assigned dwelling unit. Parking garages will be permitted as a parking space if located and designed so as to complement the building design and site layout.

- d. All residential buildings shall be oriented toward the street or the interior road that provides access to them, with parking spaces located to the rear of a building or on the side, provided that no parking is located within 20 feet of the front façade of the building.
- e. Setbacks.
  - 1. Multi-family housing shall provide a rear setback of at least 50 feet to an abutting single-family residence. If the Planning Board finds that a setback of lesser width would be sufficient to screen and/or separate the development from adjacent property, the setback may be reduced. In its discretion, the Planning Board may require no-cut easements, conservation restrictions or the like where the setback has been reduced. The Planning Board may also reduce the rear yard setback for multi-family housing of five or fewer units if the building is architecturally similar to single-family residences in the same general area.
  - 2. The front yard shall be landscaped with indigenous, non-invasive plantings, subject to a landscaping plan approved by the Planning Board.
  - 3. Buildings shall be located at least 20 feet from interior roadways and driveways that are not considered streets or public roads.
- f. Distance between Structures. The distance between structures shall be no less than the average height of the two structures or 35 feet, whichever is greater. Such distance shall include any garages or other accessory structures.
- g. Road construction. Roads that serve multi-family housing shall be constructed in accordance with the standards of the Subdivision Rules and Regulations of the Town of Shirley with the exception of width, which shall be determined by the Planning Board. Inspection of the roads during construction shall be in accordance with the procedures contained in the Subdivision Rules and Regulations and the inspection process shall be administered by the Planning Board. Such procedure shall include the payment of any fees or deposits for the inspections as required by the Subdivision Rules and Regulations at the time of site plan submittal.
- h. Special Permit Granting Criteria. The Planning Board shall consider the following criteria prior to issuing a Special Permit for multi-family housing:
  - 1. Consistency with the Shirley Master Plan.
  - 2. Consistency with the requirements of this section of the Bylaw.
  - 3. Desirability of architectural design.
  - 4. Desirability of the number and mix of units proposed, and the provision of housing units accessible to persons with disabilities.
  - 5. Protection of adjoining premises against detrimental or offensive uses on the site.
  - 6. Adequacy of space for vehicular access to the site and off-street parking and loading/unloading on the site.
  - 7. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent ways and land.
  - 8. Adequacy of water supplies and distribution for domestic use and fire protection.
  - 9. Adequacy of the methods of disposal of sanitary sewage, storage and disposal of refuse and solid wastes resulting from the uses permitted on the site, and drainage and retention of surface water.

#### 4.1.5

##### **Procedures.**

The procedures for submission, referral, review, public hearing and approval or denial shall conform to Section 8.5, Special Permits.